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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,340	03/25/2004	Alise Shatoff	K9GEN.001US	1600
35938 7590 10/11/2007 BIOTECHNOLOGY LAW GROUP C/O PORTFOLIOIP PO BOX 52050 MINNEAPOLIS, MN 55402			EXAMINER VALENTI, ANDREA M	
			ART UNIT 3643	PAPER NUMBER
			MAIL DATE 10/11/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/811,340	Applicant(s) SHATOFF ET AL.	
	Examiner Andrea M. Valenti	Art Unit 3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 and 41 is/are pending in the application.
- 4a) Of the above claim(s) 3-20 and 23-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 21, 22, and 41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Group I (Claims 1-36 and 41) and species A (Claims 2 and 22) in the reply filed on 08 March 2007 is acknowledged.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 21, 22, and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by United Kingdom Patent GB 2231502 to Tacey.

Regarding Claim 1, Tacey teaches an interlocking animal toy system, comprising: a first toy having a food chamber (Tacey Fig. 1 #10, chamber of Tacey capable of containing food, applicant has not positively claimed the food); a second toy (Tacey Fig. 4 #20); and a means for removably attaching said first toy to said second toy (Tacey #12 and 16).

Regarding Claim 2, Tacey teaches said means for removably attaching said first toy to said second toy further comprises a flared snap fit connection (Tacey #12 and 16).

Regarding Claim 21, Tacey teaches an animal toy system comprising: a first toy having a chamber formed with a side hole (Tacey Fig. 1), and having a top formed with an opening; a second toy (Tacey Fig. 4 #20 and Fig. 5) having a chamber formed with a

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side hole, and having a top formed with an opening; and a means for removably attaching said first toy to said second toy (Tacey #12).

Regarding Claim 22, Tacey teaches wherein said means for removably attaching said first toy to said second toy further comprises: said first toy formed with a side hole; said second toy formed with a top formed with a flared rim (Tacey #12) about said top; wherein said flared rim about said top opening of said second toy is insertable into said side hole of said first toy to position said top of said first toy in said side hole of said second toy to removably attach said first and said second toy together (Tacey Fig. 4 and 5)..

Regarding Claim 41, Tacey teaches an interlocking animal toy system, comprising: a first toy having an attachment feature (Tacey Fig. 1 #10 and 12); a second toy having an attachment feature (Tacey Fig. 4 #20); and wherein said attachment feature of said second toy is removably attachable to said attachment feature of said first toy.

Claims 1, 2, and 41 are rejected under 35 U.S.C. 102(b) as being anticipated U.S. Patent Pub. No. US 2001/0008125 to Mann.

Regarding Claims 1, 2, and 41, Mann teaches an interlocking animal toy system, comprising: a first toy having a food chamber (Mann Fig.1 #12 and 14); a second toy (Mann Fig. 1 #44); and a means for removably attaching said first toy to said second toy (Mann Fig. #12 and #44); said means for removably attaching said first toy to said second toy further comprises a flared snap fit connection (Mann Fig. 1 #76).

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

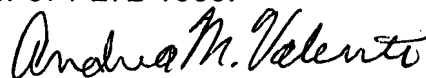
U.S. Patent No. 1,534,964; U.S. Patent No. 6,688,258; U.S. Patent No. 7,219,620; U.S. Patent No. 5,343,828; U.S. Patent No. 5,778,825; U.S. Patent No. 4,802,944; U.S. Patent No. D256,958; U.S. Patent No. 1,022,112; U.S. Patent No. 6,679,780; U.S. Patent No. D265,139; U.S. Patent No. 6,186,096; U.S. Patent No. 6,264,522; German Patent DE 29703253; Japanese Patent JP 2002-119166.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea M. Valenti whose telephone number is 571-272-6895. The examiner can normally be reached on 7:00am-5:30pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 571-272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Andrea M. Valenti
Primary Examiner
Art Unit 3643

10 October 2007